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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,335	08/22/2003	Keiji Takizawa	9319S-000542	8292
27572	7590	01/27/2006		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER MCPHERSON, JOHN A	
			ART UNIT	PAPER NUMBER
			1756	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,335

Applicant(s)

TAKIZAWA, KEIJI

Examiner

John A. McPherson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 3-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2,3,8,8 and 11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species 1 in the reply filed on 10/28/05 is acknowledged. The traversal is on the ground(s) that all species are so related to each other than an undue burden would not be placed upon the Examiner by maintaining all of them in a single application. This is not found persuasive because the search for any one species is not required for the others.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/28/05.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is drawn to "The color filter substrate accordingly to claim 7", however claim 7 is not drawn to a color filter substrate, but is instead drawn to "An electro-optic

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device". Accordingly, the scope of the protection sought is unclear. This rejection could be overcome by replacing "color filter substrate" with "electro-optic device" in line 1 of claim 12.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/042215 (WO '215) discloses a composition for making color filters comprising a high molecular mass organic material and 5 to 10% by weight of a pigment (see page 41, lines 11-14), wherein the pigment includes C.I Pigment Red (see page 39, lines 22-23) having an average particle size of from 0.03 to 0.06 μm (see page 40, lines 1-2). It is the position of the Examiner that language "onto which light is irradiated by a lighting system using a light emitting diode as a light source" in claims 1, 2 and 9 is a statement of intended use, and therefore does not provide a patentable distinction over a prior art color filter having the same composition as the color filter of the present invention. Similarly, the language of claims 10, 11 and 13 further defines the intended use of claims 1, 2 and 9, and therefore also does not provide a patentable distinction over the prior art.

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5. Claims 1, 2, 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,786,148 (US '148). US '148 discloses a color filter comprising a substrate and colored resin films, wherein a red resin film comprises a colorant in a concentration of 10-70 wt. % based on the total weight of the resin and the colorant. The red colorant is exemplified as a pigment having a particle diameter of about 0.076 μ , about 0.05 μ , and 0.045 μ . See the abstract; column 6, lines 49-52; column 10, lines 6-23; column 14, lines 39-51; and column 15, lines 58-63. It is the position of the Examiner that language "onto which light is irradiated by a lighting system using a light emitting diode as a light source" in claims 1, 2 and 9 is a statement of intended use, and therefore does not provide a patentable distinction over a prior art color filter having the same composition as the color filter of the present invention. Similarly, the language of claims 10, 11 and 13 further defines the intended use of claims 1, 2 and 9, and therefore also does not provide a patentable distinction over the prior art.

6. Claims 1, 2, 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,140,016 (US '016). US '016 discloses a photosensitive colored composition for a colored filter comprising red pigment in a photosensitive resin composition, wherein the pigment has a preferred particle size of 0.01 to 0.1 μ m and is present in a concentration of preferably from 5% to 80% by weight, most preferably from 10% to 60% by weight in the entire solid contents of the photosensitive colored composition. See the abstract; column 6, lines 35-38; column 7, lines 46-55. It is the position of the Examiner that language "onto which light is irradiated by a lighting

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system using a light emitting diode as a light source" in claims 1, 2 and 9 is a statement of intended use, and therefore does not provide a patentable distinction over a prior art color filter having the same composition as the color filter of the present invention.

Similarly, the language of claims 10, 11 and 13 further defines the intended use of claims 1, 2 and 9, and therefore also does not provide a patentable distinction over the prior art.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of WO 01/04215 (WO '215), US 4,786,148 (US '148) or US 6,140,016 (US '016), in view of US 5,982,092 (US '092). The disclosures of WO '215, US '148 and US 016 are discussed above in paragraphs 4-6, respectively. However, none of WO '215, US '148 and US 016 disclose utilizing a lighting system comprising a light emitting diode. US '092 discloses a light emitting diode planar light source utilized as a back light for a LCD comprising blue LEDs as a light source and a fluorescent pigment layer, so as to form white light. See the abstract and column 3, lines 9-20. It would have been obvious to one skilled in the requisite art to utilize a lighting system comprising a diode, as taught by US '092, as the light source in the LCDs comprising the color filters

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of any one of WO '215, US '148 or US 016 because it is taught that such a light source provides for high efficiency and uniform light diffusion.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. McPherson whose telephone number is (571) 272-1386. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John A. McPherson
Primary Examiner
Art Unit 1756

JAM
1/23/06